

AUG 24 2021

U.S. DISTRICT COURT  
DISTRICT OF R.I.

Billerica House of Corrections.

8/5/21

United States District Court  
for the District of Rhode Island. (1) (b)In Re: Removal of "Commonwealth v  
Jamhal Bey et al, Case 2150CR001899, et al

Special Appearance and oral argument request.

Since I am unable to prepare a proper defense for myself due to being unconstitutionally forced into State Jail, although Emily Karsetter said I was innocent until proven guilty. I am hereby requesting the federal courts to allow me to make an oral argument for my removal to federal court en banc, so that I may properly answer all required prerequisites for removal and ensure the court that I have a claim upon which relief may be granted. This ordeal is over 10 hours long. My federal protection constitutional rights are being violated and I am being discriminated because of my national origin.

x Jamhal Tayeb Aboullat Bey

## Addendum

2) (b)

Removal of Cause to Federal Court does not prevent defendants from making some objection in Federal Court to Jurisdiction over person and Validity of Service of process in State Court. *Maloney v. Iowa - Illinois Gas & Electric Co.* 48 F Supp 646.

In *Young v. Harris* the Supreme Court held that federal courts must enjoin State Criminal proceedings in very unusual situations that and where injunctions are necessary to prevent great and immediate irreparable injury. *Ohio Civil Rights Comm v. Dayton Christian Sch.* 477 U.S. 619 626

We have lost our jobs and are being labeled as terrorists on both National and International news for simply exercising our Second Amendment right. We are suffering great, immediate and irreparable injury. Guards are mistreating some of us. We are being spat on and verbally abused. The jury pool is being contaminated.

## Addendum

(3) of (6)

Younger v. Harris 461 US 37  
 Ex parte Young 209 U.S. 123 and  
 following cases have established  
 the doctrine that when absolutely necessary  
 for protection of Constitutional rights  
 Courts of the United States have  
 power to enjoin state officers from  
 instituting Criminal actions.

The irreparable injury is prima  
 facie in regards to us traveling  
 upon our peaceable journey, only  
 making the necessary stop to refuel  
 our vehicle as a militia. When  
 the Mass state trooper, without  
 cause got behind our already stopped  
 vehicles which resulted in the  
 police establishing a firing line and  
 blocking the interstate 95 highway.  
 Subsequently arresting us without  
 probable cause for exercising our Second  
 Amendment right. Resulting in the  
 media calling us terrorists, being  
 mistreated while in jail as if we  
 were terrorists, losing our jobs,  
 losing our homes, being

Addendum

4 of 6

Forced to Spend finances on  
Commissary, phones, etc all while  
not being able to work. The  
State of Massachusetts conspiring  
with the news II causing immediate  
injury and severe damage to our  
character and reputation



## Addendum

(5) of (6)

When faced with both motion to dismiss for lack of personal jurisdiction and motion to remand pursuant to 28 USC 1447(c), district court has discretion to decide which to take up first.

Zufelt v. Isuzu Motors Am. L.L.C. 727 F. Supp. 2d 1117, 2009 U.S. Dist. Lexis 129653 (D.N.M. 2009)

Federal court is not bound by any rule of state practice. Savell v. Southern R. Co. F.2d 377, 1937 U.S. App.

Minor procedural defect in filing copy of all process, pleadings, and orders with removal notice can be cured, and case may remain in federal court so long as removal notice itself was timely filed and otherwise complies with statutory requirements, plaintiff is not injured by defect and federal court properly has jurisdiction. Mercado-Salinas v. Bart Enters. Int'l 669 F. Supp. 2d 176 2009 U.S. Dist.

## Addendum

(6) of (6)

Once Case has been properly removed, plaintiff cannot successfully do anything to defect federal Jurisdiction and force remand. Bull v. Greenwood 610 F Supp 874 1985 U.S. Dist

Federal Court is not divested of Jurisdiction until remand order, citing proper basis for remand, is certified and mailed by clerk of district court. Limehouse v. Hulsey 404 S.C. 93 744 S.E. 2d 566 2013 S.C.

Federal Court could examine record to determine subject-matter of controversy and to ascertain who were actual litigants. Weber v. Wittmer Co. 12 F Supp 864 1935

District Court may not sua sponte remand case because of defect in removal procedure. Whole Health Chiropractice & Wellness Inc v. Humana Med Plan Inc. 254 F3d 1317 14 Fla L Weekly Fed C 872 2001 U.S. App; Velchez v. Carnival Corp 331 F3d. 1207 16 Fla L Weekly Fed C 659 2003 Amc.

Commonwealth v. Jamhal Boy

Affidavit in Support of  
habeas Corpus.

(1) of (2)

According to Article III of  
the United States Constitution  
the Federal Courts have Original  
Jurisdiction over all laws of the  
United States as the Constitution  
is the Supreme law of  
the land.

I have made  
every attempt to argue my  
case and enforce my rights  
but all court officers, including  
sheriffs and magistrates or judges  
are in willful violation.

I have a claim  
upon which relief may be  
granted, but due to severe  
mental and spiritual anguish  
and the lack of resources  
to properly prepare my argument  
I am requesting a physical  
appearance before the bench  
of this Court to make my  
claim.

I am also asking the  
Courts to review the  
proceedings and records of  
the Commonwealth of  
Massachusetts and any  
reasoning mind will see  
how we are being violated.

Please allow my  
case to be heard  
before en banc.

*James T. Holt*



Date/Time

File

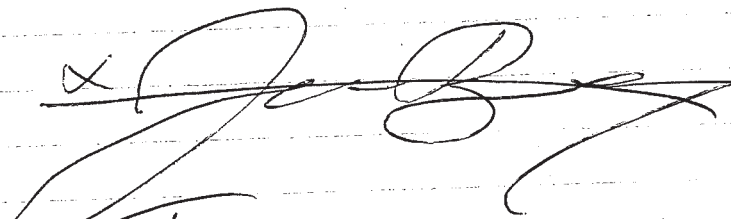
No. Mode

1490 Memo

8/14/21 Affidavit of Fact in support of  
Dismissal  
Young v. Hawaii 496 F3d 1041. "We are satisfied  
that the Second Amendment encompasses a right  
to ~~open carry~~ carry a fire arm openly and publicly."

Upon the En Banc appeal, it was never  
specified that there was not a right to  
open carry publicly, only that it was not  
<sup>unfettered</sup> "unfettered". The En Banc decision also never  
affirmed the decision in State v. Healy stating  
that the carrying of a gun constitutes no  
offense. The 9th Circuit En Banc decision  
also never specifies conditions upon which  
one could not open carry.

Therefore we must stick to decisions  
of previous courts stating that convicted  
felons, those disarmed inland and areas  
such as schools and federal buildings  
are those places and people whereby  
open carry may be regulated or restricted.  
None of which applied to us.



James L. Moore  
The Moore's Militia

(1) (2)

CR 881099  
8/16/21 Commonwealth  
v.  
Jamhal T.A. Bey and  
The Moorish Militia.

### Notice of malicious Conspiracy.

When I was "arraigned" prior to going before the "Magistrate" an old Irishman, approximately 60 years old, claiming to be an attorney approached me in the cell I was forced into. When he approached me, he told me he was an attorney and in his hands he had what appeared to be an Arrest Report from the State of Massachusetts with a photograph of what looked like me on it. He proceeded to point to the charge which stated "Disorderly Conduct" and he said "You have the least severe charges so I choose to represent your case". I informed the Irishman I could not be needing his services and I would be proceeding pro se.

(2 of 2)

Upon being forced into "Court"  
 I, in short, stated I would be  
 presenting my own arguments -  
 Emily Karsetter, of 33 Clark St.  
 Boston MA, tried to force the  
 Irishmen on me and stated amongst  
 other things how qualified he  
 was, after reading to me completely  
 different charges. I made everyone  
 aware of the deceit and trickery  
 of the "Defense" attorney  
 and Emily Karsetter did nothing  
 about it, forced me to waive  
 my rights and assist the  
 prosecution by reminding him  
 indirectly what documents to file.

There is also the incident with  
 Aban, who was being forced  
 by the other "Defense" attorney  
 to arbitrarily blame others and  
 act as if he is a victim of  
 something. A similar thing may  
 be taken place with Rob  
 and his attorney. The alleged  
 Defense attorneys and the  
 magistrates are clearly working  
 with the prosecution.

John Boy

Commonwealth v. Jamel Bey and The Moons Milk

0001099

8/9/21 Judicial Notice ① or ②

ALM R CRIM. P. Rule 3 Annotations  
 "Where the charge is by complaint and the accused is under arrest not having been indicted by grand jury, he is entitled as soon as may be to a probable cause hearing to determine whether he should be held for trial. GL C 276 § 38"

"The prosecutor should not abuse this power ... by waiting ... to obtain an indictment see Raposa 386 Mass at 669 n. 8"

"There may be circumstances however, where the prosecutors bad faith in obtaining an indictment entitles the defendant to a probable cause hearing in any event. Cf Hadfield v. Commonwealth 387 Mass 252, 257 (dicta) (Circumventing probable cause hearing may be invalid where "effrontery to district court" "Obstruction of Criminal process" or "Waste of Judicial resources"

As stated at what was supposed to be the probable cause hearing on August 9th 2021, I was ready to proceed with my arguments; like wise, the prosecution, who had 37

(2) of (2)

days to prepare for said hearing, in a bad faith attempt to obstruct the criminal process, waste judicial resources and "buy time" for an indictment. Since the probable cause narrative clearly indicates probable cause found in hindsight, the Commonwealth claimed that a ballistic report and finger prints were the reason for the extra 30 day extension of time. But the charges do not warrant such evidence.

LexisNexis - ALM R Crim P. Rule 3  
 "If an indictment has not ~~been~~ already been returned, a defendant charged with a crime ... must be given a probable cause hearing 'as soon as may be' see GL c 26 § 38.

Commonwealth v. McCarthy  
 385 Mass 160 163 "an indictment cannot stand unless, at a minimum, it is supported by evidence sufficient to establish probable cause to arrest."

Yet according to the probable cause narrative, probable cause was determined based on hindsight which is contrary to mass laws.

*[Signature]*



Commonwealth v Jamhal Bey and  
the Moroccan Militia  
CR 081088 (1)

Affidavit in Support of  
Military exemption of prosecution  
from State Statute(s) 269 § 10(a),  
269 § 10(m), 274 § 7, 269 § 10(d)  
et seq, et alia, and lack of  
probable cause:

As stated previously and  
continuously, we cannot be  
charged with any of these  
alleged crimes as we are  
protected via the 2nd Amendment  
and must be treated as a  
military and therefore exempt  
pursuant to ALM GL ch  
140 § 129 C (H) and (O) -  
as we are and were a military  
nonresidents traveling through to  
conduct a training exercise and  
operation in accordance with the  
laws and customs of war, we  
were uniformed, had/have a chain  
of command, openly armed and remained  
peaceful with the State police

Date/Time

File  
No. Mode

1490 Memo

ALM GL ch. (2)

140 § 129 C

Firearms - possession.

The provisions of this section shall not apply to the following exempted persons and uses:

(A) possession of rifles and shotguns and ammunition therefor by nonresidents traveling in or through the Commonwealth.

(B) persons in the military or other service of any state

United States v. Yunis 924 F.2d 1086 "The Court further instructed the jury that it could find that the ... Militia is a military organization only if the group has a hierarchical command structure and conducts its operations in accordance with the laws and customs of war and if its members have a uniform and carry arms openly." The court held that a fixed emblem recognizable at a distance was the test for whether militiamen and members of volunteer

Date/Time:

File

No. Mode

1490 Memor

had the right and responsibilities  
of national armies.

③

Specifically, the District courts  
uniform instructions find sufficient support in  
international agreements that bear on  
the question. See Geneva Convention  
Relative to the Treatment of Prisoners of  
War. Opened for Signature Aug 12, 1949  
art 4(A)(2), 6 U.S.T. 3317 3320 T.I.A.S.  
No 3364 [Hereinafter Geneva Convention]  
Hague Convention No IV Respecting the Law  
and Customs of War on Land, Oct  
18 1907 annex 31, ch. I, art 1, 36 Stat  
2277, 2295-96 T.S. No 539 [  
hereinafter Hague Convention No. IV]  
The Geneva Convention signed by  
167 nations ... establishes "having  
a fixed and distinctive sign recognizable  
at a distance" as one of four necessary  
conditions that qualify the members of a  
militia for treatment as prisoners of war."  
"Uniform" "Signs" or "emblems" are  
interchangeable.

- (1) Command, (2) Uniform, (3) Open carry of arms  
(4) Conduct operations in accordance with  
the laws and customs of war."

X J. B.